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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 LISA MARIE HICKEY,

12 Petitioner,

13 vs.

14 DAWN S. DAVISON, Warden,

15 Respondent.  
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CASE NO. 07CV228-BEN (BLM)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION  
DENYING PETITION FOR A  
WRIT OF HABEAS CORPUS**

17 Petitioner Lisa Marie Hickey ("Petitioner") filed a petition for writ of habeas corpus under  
18 28 U.S.C. § 2254 ("Petition"), challenging her conviction for manufacturing methamphetamine.  
19 Respondent answered. Petitioner presents two grounds for habeas relief. In ground one, Petitioner  
20 contends that the trial court violated her federal due process rights by incorrectly instructing the  
21 jury on the elements of manufacturing methamphetamine. In ground two, Petitioner argues that  
22 the trial court violated her federal due process rights by failing to give sua sponte a lesser-included  
23 offense instruction.

24 On June 21, 2007, Honorable Magistrate Judge Barbara Lynn Major issued a thoughtful  
25 and thorough Report and Recommendation ("Report"), recommending the Petition be denied in its  
26 entirety. No objection to the Report has been filed. Pursuant to 28 U.S.C. § 636(b)(1)(C), the  
27 Court has reviewed Report. Good cause appearing, the Court concurs with and adopts the Report  
28 in its entirety.

1 Accordingly, the Petition is **DENIED** in its entirety. The Clerk shall close the file.

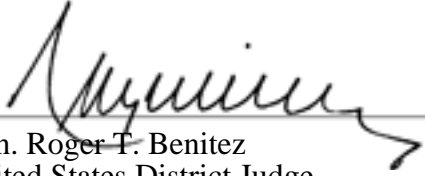
2 **IT IS SO ORDERED.**

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4 DATED: September 14, 2007

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Hon. Roger T. Benitez  
United States District Judge

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8 cc: All parties and respective counsel

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